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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-0237 EMC
	)	
Plaintiff,	)	
	)	STIPULATION AND [PROPOSED]
v.	)	ORDER RE-SETTING STATUS
	)	HEARING DATE
DAVID NOSAL,	)	
	)	
Defendant.	)	

The United States and the defendant David Nosal submit this stipulation and proposed order to continue the February 22, 2012, status hearing to April 25, 2012. The parties stipulate, and jointly inform the Court, as follows:

1. On or about February 2, 2010, the United States filed its Notice of Appeal in this matter, seeking reversal of the District Court's dismissal of several counts of the Superseding Indictment. At that time, the District Court vacated the trial schedule.

2. Oral argument before a panel of the Ninth Circuit Court of Appeals regarding the United States' appeal was held on February 14, 2011. On April 28, 2011, the Court of Appeals issued an opinion reversing the District Court's dismissal order.

3. On June 13, 2011, the defendant David Nosal filed his petition for rehearing en banc in the Court of Appeals. The United States filed its response to that petition on

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July 20, 2011. On October 27, 2011, the Court of Appeals ordered that the case be reheard en banc. The en banc oral argument occurred on December 15, 2011. The en banc panel has not yet issued its opinion.

4. For these reasons, the parties jointly request that the Court **VACATE** the February 22, 2012 status hearing, and re-set that hearing for April 25, 2012. If proceedings terminate in the Court of Appeals before that date, the parties will contact this Court's deputy clerk to schedule an appearance in the District Court forthwith.

SO STIPULATED.

DATED: February 17, 2012

MELINDA HAAG  
United States Attorney

/s/  
KYLE F. WALDINGER  
Assistant United States Attorney

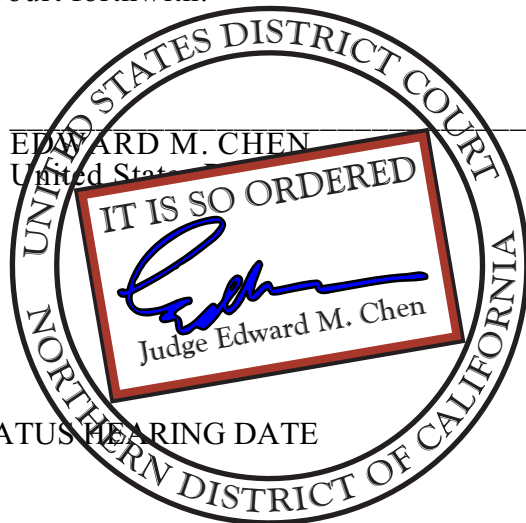
DATED: February 17, 2012

/s/  
STEVEN F. GRUEL  
Attorney for the defendant David Nosal

**[PROPOSED] ORDER**

For the reasons stated above, the parties' joint request that the February 22, 2012 status hearing be vacated is GRANTED. The parties are ORDERED to appear before the Court for a status hearing on April 25, 2012, at 2:30 p.m. If proceedings in the Court of Appeals terminate before that date, the parties are ordered to contact this Court's deputy clerk to schedule an appearance in the District Court forthwith.

DATED: February 21, 2012



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